

REMARKS

Claims 1-3, 5-7, 9 and 11 are pending in this application. Claims 1, 5 and 9 have been amended. Claims 8 and 10 have been canceled and their subject matter has been incorporated in amended independent claims 5 and 9, respectively. No new matter has been introduced and no new issues are raised by this amendment.

The drawings are objected to as “the figures show lateral portal ‘A’ as being used for pin 50 and sleeve (78), not hook 72 as described on page 7.” (Office Action at 2). The specification has been amended to clarify that sleeve 78 and not hook 72 is placed through lateral portal A.

Claims 1, 5 and 9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Ohkoshi et al (U.S. Patent No. 6,015,411) (“Ohkoshi”). Reconsideration is respectfully requested.

Ohkoshi does not disclose all limitations of amended independent claims 1, 5 and 9. Ohkoshi does not disclose “placing a strand through the cannulated guide pin” and “inserting the distal end of the guide pin through a cannulation in a cutter,” much less “securing the cutter to the distal end of the guide pin by pulling the cutter using the strand,” as amended independent claim 1 recites. Ohkoshi teaches the formation of a tibial tunnel and of a femoral tunnel by using drill 3 having blades 31a and 31b “formed on only the rear end surface thereof” (col. 6, ll. 29-30), and not the limitations of amended independent claim 1.

Ohkoshi is also silent about all limitations of amended independent claims 5 and 9. Ohkoshi does not disclose, teach or suggest the steps of “attaching a retrograde cutter to the guide pin by pulling the retrograde cutter into the knee using a strand introduced through the cannulated guide pin” (claim 5) or “introducing a strand

through the cannulated guide pin” and “attaching a retrograde cutter to the guide pin by pulling the retrograde cutter into the knee using the strand introduced through the cannulated guide pin” (claim 9). Ohkoshi is silent about a cannulated guide pin, or about the introduction of a strand through the cannulated guide pin, as in the claimed invention.

Claims 8 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohkoshi in view of McGuire et al. (U.S. Patent No. 6,352,538) (“McGuire ‘538”). As noted above, claims 8 and 10 are now canceled and their limitations have been incorporated in amended independent claims 5 and 9, respectively. Applicants submit that the subject matter of amended independent claim 5 and 9 (which now incorporates the limitations of canceled claims 8 and 10, respectively) would not have been obvious over Ohkoshi and McGuire ‘538, whether considered alone or in combination.

Neither Ohkoshi nor McGuire ‘538, considered alone or in combination, discloses, teaches or suggests all limitations of amended independent claims 5 and 9. As noted, Ohkoshi does not disclose, teach or suggest all limitations of claims 5 and 9. McGuire fails to rectify the deficiencies of Ohkoshi. McGuire ‘538 teaches a device for proper positioning and insertion of a guide pin, and not a cannulated guide pin, much a cannulated guide pin with a strand introduced therethrough, the strand being used to pull a retrograde cutter into the knee. Thus, neither Ohkoshi nor McGuire ‘538, considered alone or in combination, teach or even remotely suggest the step of “attaching a retrograde cutter to the guide pin by pulling the retrograde cutter into the knee using a strand introduced through the cannulated guide pin,” as claims 5 and 9 recite. For at least these reasons, the subject matter of claims 1, 5 and 9 would not have been obvious over the cited references, whether considered alone or in combination.

Claims 2, 3, 6, 7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohkoshi in view of Urban (U.S. Patent No. 5,676,544) ("Urban"). Reconsideration is respectfully requested.


Claims 2 and 3 depend on amended independent claim 1. Claims 6 and 7 depend on amended independent claim 5. Claim 11 depends on amended independent claim 9.

Urban is relied upon to disclose the marking hook with a tip and a visible mark proximal to the tip. Urban does not cure, however, the deficiencies of Ohkoshi and McGuire '538 with respect to claims 1, 5 and 9. Accordingly, claims 2, 3, 6, 7 and 11 are submitted to be patentable over the cited combination.

Allowance of all pending claims is solicited.

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